

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

WADE WILKERSON and
CEDRIC BROWN, JR.,
on behalf of themselves and
all others similarly situated,

Plaintiffs,

Case No. 19-cv-1727

v.

STOCKBRIDGE ENG., INC.

Defendant

**JOINT MOTION FOR COURT APPROVAL OF
SETTLEMENT AND DISMISSAL OF COMPLAINT WITH PREJUDICE**

The Parties, by and through their undersigned counsel, respectfully move this Court for approval of their “Settlement Agreement and Full and Final Release of Claims,” resolving the matter as forth therein. In support thereof, the Parties state and jointly stipulate as follows:

1. On November 25, 2019, Plaintiffs, Wade Wilkerson and Cedric Brown Jr., filed this Complaint against Defendant, Stockbridge Eng., Inc. (ECF No. 1.) In the Complaint, which was brought under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 et seq., and Wis. Stat. §§ 109.01 et seq., Wis. Stat. §§ 104.01 et seq., Wis. Stat. §§ 103.001 et seq., and Wis. Admin. Code DWD §§ 274.01 et seq., and Wis. Stat. §§ 272.001 et seq. collectively Wisconsin’s Wage Payment and Collection Laws (“WWPCL”), Plaintiffs alleged violations of the FLSA and WWPCL on behalf of themselves and all other similarly-situated current and former hourly-paid non-exempt Manufacturing employees of Defendant.

2. In their Complaint, (ECF No. 1), Plaintiffs pled collective claims under the FLSA, but to date, no individuals have opted-in to this matter, and the parties have resolved this case in Plaintiffs' individual capacities, as stated and identified in the parties' "Settlement Agreement and Full and Final Release of Claims."

3. Defendant denied, and continues to deny, Plaintiffs' allegations, asserting, among other things, that Plaintiffs were properly compensated for all hours worked during their employment and no additional wages are due or owing. (*See* ECF No. 10.) Defendant further asserts that Plaintiffs will be unable to certify this action as an FLSA Collective and as a WWPCCL Class.

4. The parties agreed to enter into settlement negotiations in Plaintiffs' individual capacities for the purpose of avoiding the costs and uncertainty of litigation.

5. The parties have, in fact, engaged in good-faith settlement negotiations. The parties were both represented by competent and experienced counsel throughout the course of these negotiations. Plaintiffs' counsel represented Plaintiffs' interests during settlement negotiations.

6. The parties exchanged settlement offers, setting forth the explanations for their positions, which ultimately resulted in an accord and satisfaction embodied in the "Settlement Agreement and Full and Final Release of Claims," which the parties have fully executed and which the parties and their respective counsel believe represents a fair, reasonable, and adequate resolution of Plaintiffs' claims against Defendant.

7. A copy of the parties' executed "Settlement Agreement and Full and Final Release of Claims" is attached to the parties' separate Joint Motion to Seal, which is being submitted to the Court simultaneously with the filing of this Motion.

8. This Court may enter an Order Granting Motion for Approval of Settlement and Dismissal with Prejudice. *See Larkin v. CPI Corp.*, No. 10-cv-411-WMC, 2011 U.S. Dist. LEXIS 127680, at *2 (W.D. Wis. Nov. 3, 2011) (citing *Walton v. United Consumers Club*, 786 F.2d 303, 306 (7th Cir. 1986) and *Lynn's Food Stores, Inc. v. U.S. Dep't of Labor*, 679 F.2d 1350, 1352-53 (11th Cir. 1982) (requiring the settlement to constitute “a fair and reasonable resolution of a bona fide dispute over FLSA provisions.”))

9. **WHEREFORE**, the parties respectfully request that this Court: (1) approve the parties’ “Settlement Agreement and Full and Final Release of Claims,” resolving the matter on the terms set forth therein; and (2) dismiss this case, *with prejudice*.

Dated this 12th day of June, 2020

s/ Matthew J. Tobin

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